Great Britain

Freedom in a Democracy

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MODERN WORLD SERIES

Freedom in a Democracy

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Growth of Parliamentary Democracy in Britain

BY EARL ATTLEE

During my lifetime I have seen the transformation of the British Empire into the Commonwealth. There has been the full acceptance by all Parties, Conservative as well as Labour and Liberal, of the right of self-determination of all peoples and its practical implementation, first in the old colonies of Canada, Australia, New Zealand and South Africa; then in Asia, in India, Pakistan, Ceylon and Malaya; and then in Africa, in Ghana and Nigeria. The process is continuing in both continents and in the West Indies.

But it is noteworthy that the transference of power is not to autocratic rulers or to oligarchies, but to the people. The demand for self-government is always today accompanied by the demand for democracy. This no doubt to the rising generations seems natural, and it is not always realised how recent is the acceptance of democracy in Britain. In the long history of the British Parliament democracy is a very late phase. The slogan of the first world war—'To make the world safe for democracy' would have horrified Queen Victoria, for in her day the word implied everything subversive of the established order. She objected strongly when her Prime Minister, Gladstone, addressed the masses at public meetings, while Lord Salisbury, the Prime Minister of my youth, had an intense dislike for the system.

The denial of the right of self-determination to overseas subjects of the Crown was quite natural to those who refused it to the majority of their own fellow-countrymen at home. Only the lesson of the revolt of the American colonies warned the ruling classes of the danger of refusing their rights to their kith and kin overseas. Britain did not really become a democracy until after the first world war.

We look back in our Parliamentary institutions to the struggle of King and Parliament in the seventeenth century and our ceremonial enshrines memories of that contest, as in our slamming the door in the face of the King's messenger. That contest was between Crown and Parliament, but Parliament was still representative of the propertied classes, both in the Lords and House of Commons. It is only in the revolutionary debates of the Cromwellian army that the voice of democracy is heard in Rainborowe's declaration that the poorest he in England has a life to live as the greatest he.

The victory of Parliament over the Stuart Kings, completed by the resistance to the attempt of George III to rule instead of merely to reign, ensured the predominance of the Lords and Commons over the monarchical element in the British constitution, though it was not until after the death of Queen Victoria that the Monarch really accepted the ideal of the constitutional monarch, propounded by publicists such as Bagehot and other writers on the Constitution.

But this victory did not mean a victory for democracy. Power passed to the propertied classes. The great families entrenched in the House of Lords largely controlled the membership of the Commons. The mass of the people had no say in electing their members of Parliament, although no doubt on occasions and in particular places attention had to be paid to the popular voice. Although the Commons, through the power of the purse, became the more potent of the two Houses of Parliament, yet Ministers were drawn mainly from the House of Lords and mere commoners like Burke, despite their abilities, had to be content with minor offices. Walpole and the two Pitts had to govern with colleagues mostly from the non-elected House.

The great Reform Bill went only a very little way on the road to democracy. In effect it enabled the moneyed classes to share power with the landed interest. The radical elements who sought power for the people were disappointed. Parliament in the nineteenth century was still undemocratic in the sense that only a minority of the people had the vote. Power remained with the propertied classes.

There were only about 1,000,000 electors in 1832. Successive reform widened the franchise, but every increase was viewed with the gravest suspicion as tending to democracy. It was not until 1875 that organised labour in the persons of Alexander Macdonald and Thomas Burt had its first representatives in the House of Commons, while women had to wait until 1918 before their rights as citizens were conceded.

The redress of gross inequalities in the number of voters in the constituencies is very recent. I can myself remember elections where little towns like Whitehaven returned a member with just over 1,000 votes as against Wandsworth's 20,000 or 30,000. The abolition of plural voting is still more recent, for the University vote was only abolished by the Government of which I was Prime Minister.

Thus, India after a very short period of limited franchises under partially democratic institutions achieved in 1947 what had taken centuries of struggle to win in Britain.

But this slow conquest of power for the people in the House of Commons was only part of the fight for democracy. There remained the unrepresentative part of the Constitution, the House of Lords.

An examination of the personnel of Ministries throughout the nineteenth century shows how great was still the power of the House of Lords. As late as 1886, the Liberal Cabinet of Gladstone contained six Peers to eight commoners. I can recall very well the great struggle of the Commons with the Lords which began in 1909 when the Lords threw out the Budget.

Despite the enormous majority won by the Liberal Party in 1906 the House of Lords threw out, one after another, the Bills passed by the Liberal Government, and it was only after a great fight that the Parliament Act was passed restricting the power of the House of Lords to that of delay. Two great world wars changed the climate of opinion. The heady violence of the Lords in 1910 was replaced by their wise acceptance of the measures of the Labour Government of 1945, although a measure restricting further their powers of imposing delay was passed under the Parliament Act in 1950.

Like so much else in the British Constitution, much is left to convention. Although the House of Lords still has certain powers, it is most unlikely that it would use them. Similarly the Monarch has certain powers which are never likely to be invoked. It may also be noted that in the last decade a number of men of working-class origin and very small incomes have entered the House of Lords, while life Peers and Peeresses have diluted the hereditary element.

Thus over the years the acceptance of the principles and the exercise of the practice of democracy has made Britain the outstanding example of a successful democracy. No doubt there are more democratic constitutions existing in the world today, but so often they seem to break down in the working and to breed dictatorships. The full acceptance of the spirit of democracy is far more important than a meticulous constitution which does not in practice work. I would claim that, despite the maintenance of monarchical and oligarchical elements, the British system is the best example of democracy and especially of Parliamentary democracy.

Complaints are sometimes heard that Governments today are too powerful and Parliament too subservient, but I do not think that they are well founded. Government is more complex today and its content much greater than formerly, while the unsettled state of the world does not allow of the easy-going methods of the past. Yet anyone with long experience of Parliament knows that no Government can flout the House of Commons. The House, without distinction of Party, is very tenacious of its rights. The successful working of democracy involves a delicate balance between the right of the majority to govern and the right of minorities to voice their views and to criticise. I claim that nowhere else is this balance so well maintained as in the Parliament of Britain.

There are two points of particular importance that I would stress. The first is the recognition of the necessity for there being an Opposition. Since 1936 this has been recognised by the payment of a salary to the Opposition Leader. So vital is this that when in the second world war all Parties rallied to the

Government, we created a synthetic Leader of the Opposition, who carried out the functions although actually a supporter of the Government.

The second is the institution of Question Time, a thing which was only developed fully in the last hundred years. Four days a week Ministers have to face a barrage of questions on their policy and administration ranging from those dealing with matters of world importance to the grievances of individual citizens. Quite apart from the redressing of particular wrongs, this is an invaluable check on bureaucracy, for every public servant knows that if he oversteps the mark he may be exposed to attack publicly on the floor of the House.

The United Kingdom has two legal systems, that of England—covering also Wales and Northern Ireland—and that of Scotland. While Scottish legal practice differs in some notable aspects from the Law of England, the fundamental spirit of the two systems is similar; they have been brought closer together in modern times by the growth of legislation covering the whole broad area of the Kingdom. This article treats only with the Law of England, but it reflects much of the character of the Rule of Law in Britain as a whole.

Character of the Law

BY LORD SHAWCROSS

The English have a strong sense of law and order, but no respect for abstract legal principles as distinct from rules which have been applied in concrete cases. For the most part, their law, like the constitution of their country, is unwritten, the result of a thousand years of growth and called the Common Law of England because it was based upon what was the universally accepted custom of the realm, broadened down from precedent to precedent, by the decisions of judges in particular cases.

Yet, despite this major element of judge-made law, the number of legally qualified judges in England and Wales is scarcely more than 100. There are only 20,000 practising lawyers in the whole country. Add to this that the police force is neither armed nor numerous, and it is fair to conclude that the English do have a certain instinct for the law. And in spite of its lack of any theoretical foundation, in spite of its lack of form and system, English Law has succeeded in dividing with Roman Law the empire of the greater part of the civilised world.

The course of English Law has been profoundly affected by the development, at an exceptionally early stage of her political evolution, of a strong central administration in the hands of a succession of able and masterful kings. One of the chief characteristics of judicial administration, from a very early date, was the itinerant judges progressing from the Central Courts in London throughout the counties of England, administering justice.

Today, the whole English legal system is pivoted on the Judges in London, a score or so of men who try cases in the High Court and, at periodical intervals, travel round the country administering justice at Assize Towns in a system which is substantially the same now as when it was fixed in the reign of Henry II. Under them, distributed throughout the country, are about 60 County Court Judges who deal with civil claims of limited amount with appeal to the High Court, and the Stipendiary Magistrates and lay (and unpaid) Justices of the Peace, the last of whom try by far the largest number of criminal cases.

It was largely this centralisation of the Judges in London which has led to English Law being forensic and strictly professional in origin, whereas Roman Law and many systems deriving from it are scholastic. The Judges always have been, and still are, selected from the ranks of practising barristers. They are not, as in some continental systems, a profession apart from the profession of practising lawyers, and their career and training has been in no way influenced by the State except when they come to be selected and appointed as Judges.

As to this, there is no system of election, nor is there any question of the State examining and selecting a candidate. The men who have come to the top of their profession, who are highly thought of by their colleagues and by existing Judges, are appointed, regardless of political considerations, on the advice of the Lord Chancellor, himself the head of the Judiciary. And once appointed, they are entirely free of State control, for a Judge cannot be dismissed except on an express resolution of both Houses of Parliament, a thing which has not happened in 100 years.

Until comparatively recent years the process of keeping the law in touch with the changing needs of society was essentially a practical one, accomplished by the Judges in each particular case. This has given the English Common Law the incalculable advantage that the Judges, while indeed professing no law-making powers, could by a process of 'interpretation' adapt it to the needs of new circumstances perpetually recurring. Thus the whole concept of the law of negligence is the Common Law response to the realisation of social responsibilities unthought of in the eighteenth

century. The vehicle by which this development has been effected is 'the reasonable man'. The Common Law enforces a standard of conduct such as might be expected from the reasonably prudent and careful man. This 'reasonable man' is a reflection of contemporary habits and conduct, constantly changing as society progresses.

All this is not to say that in more recent years deliberate legislation has not become an important source of law in England. Yet, in spite of the rapidly growing mass of legislated enactments —a necessary characteristic of the modern State—the Common Law and the Judges, whose task it is to interpret and apply Parliamentary statutes, continue to exercise a dominating influence on the administration of the law.

This supremacy of the Judges in the administration of the law has resulted in another notable characteristic of the English system, the equality of all before the law. The Crown and Government, the Executive and its officials, are subject to exactly the same laws administered in exactly the same courts as the most humble citizen. Although in the recent development of the so-called Welfare State and planned economy, there has been a tendency to allot the decision of certain matters arising in the course of Government administration to special Tribunals, there is no established system of administrative law or administrative tribunals. The Government and its officials derive such powers as they possess from the ordinary law.

If a citizen complains that those powers have been abused or exceeded, the complaint is dealt with by the ordinary courts. Only the Sovereign herself is personally immune from suit. But the orders of no man, not even of the Sovereign, provide any excuse in law for the doing of an illegal act.

The English Constitution being itself unwritten it follows that there are no guarantees of the personal freedoms. Yet these freedoms are axiomatic and a person who is arrested has a right at once to be brought before a public court and to be tried for his alleged offence. No one can be forbidden in advance from saying what he likes, unless a court in public trial has decided that what he says constitutes a wrong, for example, a libel—actionable at the

suit of some third party injuriously affected—or has involved a breach of the criminal laws, which are themselves traditionally favourable to the free expression of opinion.

English procedure, especially in the criminal courts, is accusatorial rather than inquisitorial. The complainant must prove his case. Before trial and at trial, an accused person is stringently protected against any kind of inquisitorial procedure. It is not for the Judge to probe into the matter. He acts with complete impartiality as an umpire between the contestants and decides according to the evidence as presented to him. And the evidence itself is strictly limited. Only the sworn testimony of witnesses, subject to cross-examination, can be heard. There must be no hearsay, no evidence on previous offences or bad character. The trial must take place in the full limelight of Press publicity.

Nor are these rights of the subject under the law, the right to equality and to personal freedom, illusory cases. The old reproach that the courts, like the Ritz Hotel, are open to rich and poor alike, no longer has any validity in England. And, at one time, there was truth in this criticism. But, shortly after World War II, a scheme of Legal Aid and Advice, subsidised by the State but administered with complete independence by the legal profession itself, was introduced. This enables those who are unable to meet the costs of litigation themselves to obtain legal aid or advice, either entirely free or subject to a contribution scaled according to their means.

Reference has been made to the small number of legally qualified Judges. This is due to the large part played by laymen in the administration of justice. The great mass of criminal cases, being cases concerning comparatively minor offences, are tried by unpaid Magistrates called Justices of the Peace. And this participation of laymen is important in another connection. All serious criminal cases have to be tried by a Judge and jury of 12 ordinary citizens. And, in several classes of civil litigation, such as fraud or defamation of character, a party can, if he desires it, insist upon a jury.

Where cases are tried with a jury, it is they, and not the Judge, who are the sole judges of fact. The Judge decides questions of

law; he sums up the facts to the jury. But, the ultimate decision on the evidence rests with them. The jury is the representative of the 'reasonable man' who has done so much to temper the administration of the law to the changing circumstances of the times.

And so the Law of England continues to develop.

Freedom of the Individual under British Law

BY LORD BIRKETT

The people of Britain have been exceedingly fortunate in the richness of their heritage, particularly in their heritage of individual freedom. 'Magna Carta', 'The Petition of Right', 'The Bill of Rights', 'The Habeas Corpus Act'—these are the very milestones of human progress; they are the historic voices speaking the language of liberty.

In recent years, the State has extended its activities over a wide field, because Parliament has made the State responsible for all the services which are essential to the welfare of the individual citizen. There has been, in truth, a social revolution, and much that was formerly the responsibility of the individual is now the responsibility of the State. But the essential freedoms, so highly prized by the British people, are still unaffected and are perhaps more greatly esteemed than ever, when all over the world the individual freedoms are seen to be in jeopardy.

It is well, therefore, in any discussion of individual freedom in Britain to recognise the truth of that great saying of Curran:

> '*The conditions upon which God hath given liberty to man is eternal vigilance, which condition if he break, servitude is at once the consequence of his crime and the punishment of his guilt.*'

It must be remembered, too, that the condition on which men live in this world of ours is that they do not and cannot live in isolation. They are members of communities with rights and duties; rights which are valueless without the power of the community to enforce them, and duties to be rendered to the community, in return, without which the community cannot flourish and endure. The question is ultimately a practical one: how far does the good of the community require the limitation of the rights of the individual for the good of the individual and of the community?

The task in Britain has always been how best to achieve the right balance. And the parliamentarian and the lawyer would do well at all times to remember the famous words of Burke addressed to the Sheriffs of Bristol:

'*Liberty is a good to be improved, not an evil to be lessened. It is not only a blessing of the first order, but the vital spring and energy of the State itself, which has only so much vigour as there is liberty in it.*'

The problem always must be to blend liberty and restraint in one consistent whole.

Individual freedom in Britain is usually described in some such words as the freedom of every law-abiding citizen to think and say what he chooses, to go where he will without hindrance, and generally to be let alone, without undue interference by Authority.

No man is to be imprisoned save by the judgment of the Queen's courts or while he is awaiting trial by them. No man must be arrested save for reasonable cause laid down by law. No man must suffer oppression, physical or mental, while under arrest. Men must be free to associate together for lawful purposes; they must have freedom to think and speak and worship as they please; they must be free to write in a free Press; and they must be allowed that free society which alone can permit them to develop their personality on the highest and the best lines.

It is the duty of the State to secure the order under which these freedoms can be exercised, for as a great English judge, Lord Mansfield, once observed, 'To be free is to live under government by law'. In all the great constitutional documents that speak of individual freedom, it is instructive to notice that they all insist upon the need to be governed by law. The noble words addressed by the House of Commons to James I in 1610 still represent present-day feeling on this point in Britain:

'*Amongst many other points of happiness and freedom which your Majesty's subjects of this kingdom have enjoyed under the royal progenitors, Kings and Queens of this realm, there is none which they have accounted more dear and precious than this, to be guided and governed by certain rule of law . . . and not by any uncertain or arbitrary form of government.*'

Men must know of a surety what they may and what they may not do. The law must be impartial, administered impartially by fearless and independent judges, and there must be no distinction of persons or classes, or of colour, race or creed. Judges may interpret the law, but the supreme law maker must be the High Court of Parliament. And for this reason: that the members of the House of Commons are freely elected by the people as their representatives, and are virtually the supreme voice in the making of the laws by which the people are governed, together with the Crown and the Lords spiritual and temporal.

This democratic system of government is far from perfect. But it is the best system that has yet been devised, although based on majority rule, for making the citizen feel that he plays an important part in the shaping of the laws by which he must abide, and makes him the more willing to be the law-abiding citizen.

It is this conception of individual freedom, protected and upheld by law, that invades every part of the British way of life. It is quite true to say that British people have still a great passion for liberty, which can be seen, for example, in the immediate outcry, if there is reason to believe that there has been a miscarriage of justice, either in the administration of the criminal law, or in events outside the courts.

At the time of the Glorious Revolution of 1688, which resulted in the Bill of Rights, and the Act of Settlement of 1701, which established the independence of the judges as one of the great safeguards of liberty, it was this same conception of freedom under the law that was the dynamic force. It was the same then as now.

If the affairs of the citizen's life are to be regulated in any way by outside authority, then it must be not an arbitrary authority, it must not depend on the whim or caprice of any individual, however high his place may be in the State. It must be an authority governed and controlled by law; and the citizen must at all times have free access to the Queen's courts to see that the laws affecting his life are faithfully and impartially administered.

For example, if a man is imprisoned against his will, and not by the judgment of a court of law, he is entitled to apply to any judge of the High Court to determine whether his detention is

lawful or not. By the power of the great Writ of Habeas Corpus, the Court will command those who detain the citizen to bring him before the Court; and unless the detention is shown to be lawful, the citizen will be set free.

The right of free speech is especially valued in Britain because it contains the equally great rights of freedom of thought and belief. There is no specific law in Britain that guarantees free speech, and nobody requires permission from anybody before they print or publish anything. The freedom of the Press means little more than this, but it is none the less a very great right, and a most valuable freedom. The position was never better summarised than by the words of the great constitutional lawyer, Professor Dicey, when he said:

'*Freedom of discussion in Britain is little else than the right to say or write anything which a jury of twelve shopkeepers think it expedient should be said or written.*'

Nothing could better illustrate the combination of freedom and restraint. Men are free to speak and write as they wish, but it is always subject to the law of the land. In cases of Treason or Sedition or the like, the criminal law is invoked in the interests of the whole community. The law of defamation, and the provisions relating to Contempt of Court, are invoked to protect the rights of the citizen when they are invaded by another. And in all the freedoms the citizen enjoys, they are governed and controlled by law, in the interest not only of the citizen, but in the interest of the whole community.

But the restrictions placed on the individual freedoms must not impair the right of the citizen to live his life to the best advantage; rather must they aim at securing the conditions in which the individual freedoms may be most beneficially exercised.

The freedom of the individual, protected and governed by law, is now interwoven into the very texture of the national life. It is not for nothing that Britain is known and acclaimed as the mother of free institutions and free men. The great constitutional documents that speak of man's freedoms are seldom read, and the circumstances which brought them into being are not universally understood, and in some cases are much misunderstood.

But the living thing for which they speak—the spirit of liberty —is still an essential part of British life; and though the words are rarely on the lips of ordinary British folk, yet all their acts and ways of living proclaim the truth expressed for them by Wordsworth—'We must be free or die who speak the tongue which Shakespeare spake'.

Equality in Education

BY A. D. C. PETERSON

It is often said that since the war Britain has passed through a peaceful, orderly and legal revolution. In the field of education this is surely true. All kinds of higher education, from the Secondary School to Oxford and Cambridge Universities, which were before the war mainly the privilege of those who could pay for them, are now the privilege of those who can demonstrate in open competitions their ability to profit from them.

But revolutions, whether peaceful or violent, bring new problems as soon as they have liquidated the old. And the same is true of new educational systems. One of the greatest of these is how to combine freedom and equality.

It is true that under the new English[1] system any boy or girl is free to claim secondary education at a Grammar or Modern School according to his ability without any payment until the age of 18 or 19. It is true also that the State will pay, if the parents cannot afford it, the whole cost of University education. Not more than one student in five at Oxford or Cambridge today is being paid for entirely by his own or his parents' funds. There is certainly freedom here, for the State which supplies the money does not lay down which University the student should go to nor what subject he should study.

How can this freedom be combined with equality? Clearly all students will not benefit from a full academic secondary education; more clearly still, they will not all be capable of a University course. The English system, therefore, is to select at the age of eleven those who can best profit from an academic secondary education. These go to the Grammar Schools and the remainder,

[1] The same general education policy is followed, with some national variations, throughout the United Kingdom. But the educational systems of Scotland and Northern Ireland have long histories independent of education in England, and are separately administered. In this article the writer draws his details from the system of England and Wales.

about three out of every four, to Modern or Technical Secondary Schools, where their education usually ceases at 15 or 16.

Similarly, the candidates for the University are selected by open competitive examinations. Money no longer confers the right to higher education; its place has been taken by examination success. In other words, there is still inequality, but it is intended that this should be the inequality created by God in making men of unequal intelligence and not the inequality of wealth or position.

Yet there is much discussion in England today over the problems which the new system has produced. To select those who are to receive higher education from all ranks of society simply on the basis of their ability is clearly more just and more valuable to the nation than to select them on the basis of their parents' wealth. It gives to each individual the freedom to make the best use of his ability, to reach the highest posts, and to serve his country in the most useful way. But we must be certain that the tests by which they are selected are really accurate; and we must be certain that those who are not selected are also given the chance to make the best use of their ability.

Educational discussion in England therefore centres now around the question of selection. There are those who say that an examination at eleven cannot distinguish accurately enough which children are capable of advanced secondary education. They would prefer to abandon selection at this age and educate all children together until they are older. They believe that this would be more just, would promote social equality and would prevent clever children from missing the more advanced secondary education because they had developed their talent late and therefore failed to be selected at eleven.

Others believe that this more equal treatment would deprive the clever children of the freedom to progress at their own fast pace in the selective Grammar Schools. They are anxious, therefore, to keep the present division into different types of school at eleven, but so to improve the standard of the Modern Secondary Schools that children in them shall have equal opportunity to make the best use of their talents.

This will need smaller classes and better teachers. For this

reason the Government has decided to extend the training period of all teachers to three years and at the same time to build more training colleges to provide 12,000 more teachers.

Entry to Universities also presents new problems now that a University career is open to the poorest as to the richest in the country. There are many more applicants than the Universities can teach and many more wish to go to the more famous Universities than to the new ones founded since the war. Again examinations are the test, but there are some people who fear that this competition is producing a generation of young people who have specialised too early in one branch of learning and have not a wide enough culture or experience of life.

Such are some of the problems of an education revolution which is trying to give freedom and equality of opportunity to all people to follow the educational course for which they are best fitted.

Universities, Old and New

BY SIR JOHN WOLFENDEN

The best-known Universities in Britain are Oxford and Cambridge. They are famous throughout the world for their centuries of academic life, for the distinction of their graduates, and for the beauty of their buildings. It is sometimes forgotten that between them they contain about one-fifth of the total of the student population of Great Britain.

The University of London, in its 30 constituent schools, has a student roll of 22,000, compared with 8,000 each at Oxford and Cambridge. The rest of our undergraduates, to the number of over 50,000, are to be found in the so-called 'modern Universities'. These have been established for the most part during the past 50 years; and they are sometimes generically called 'Redbrick', since most of their buildings are made of brick and not of the stone which characterises the more ancient foundations of Oxford and Cambridge.

The quantitative picture, then, is clear: Redbrick 50,000 or more, Oxford and Cambridge (known for short as 'Oxbridge') 16,000, London 22,000.

The Scottish Universities have a distinctive history and nature. They are ancient, like Oxford and Cambridge—there was a time when Scotland had four Universities to England's two—but they have never developed the exclusive or 'aristocratic' features which at one time were found in Oxbridge.

What is it that determines whether it is to Oxbridge or to Redbrick that an able boy or girl in England or Wales goes? Is it a matter of academic ability, of wealth, of privilege, of choice, or of accident?

Historically, Oxford and Cambridge have always produced the holders of the majority of the highest offices in Church and State. The learned professions like medicine and the Law, as well as the most influential positions in Government and public administration, were normally filled from the ranks of Oxbridge graduates.

This did not, in earlier centuries, mean that they necessarily came from wealthy families. For the benefactors who founded the Colleges of these Universities took great care to ensure that any boy of real ability should be able to enter, whatever the financial status of his parents.

But gradually Oxford and Cambridge became places where young men of birth or wealth enjoyed three or four years of carefree pleasure before they settled down to the management of the family estates. Side by side with them lived the 'poor scholars' of tradition, still recruited on academic grounds; so that there came to be two separate streams of young men flowing through Oxbridge, of quite different social and financial backgrounds, with quite different attitudes to University life, and present within the walls of the University for quite different purposes.

Within the past 50 years the picture has changed again. Until then those undergraduates who had not received their earlier education from private tutors came from the Public Schools. But as a result of the Education Act of 1902 the Grammar Schools increasingly produced boys of ability, well-taught and ambitious; and it was not long before they were making their way, in increasing numbers, to Oxbridge.

As the number of suitably qualified candidates increased, the Colleges of Oxbridge increased in size, academic standards rose, and the former intellectual glories were restored. Almost all these boys from the Grammar Schools were awarded scholarships, either by the Colleges, or by the State, or by the local education authorities. The result was that, by the beginning of the second world war in 1939, half the student population of Oxbridge was in receipt of financial help from one source or another.

Since the last war this trend has become still more marked, and by now more than three-quarters of Oxbridge students receive some grant of public money.

So it has happened, in this field as in many others, that public money has in our day taken the place of what was originally private benefaction; and Oxbridge, which was in earlier days the home of the poor scholar, has lived through an age when it was a 'citadel of privilege' and resumed its original function of providing

an education of the highest academic standard for those who on purely academic grounds deserve it.

For the Redbrick Universities the problems of privilege and nepotism have never arisen. These Universities date, with very few exceptions, from the time of the expansion of Grammar School education at the beginning of the present century.

They were founded from a variety of motives. Local patriotism played its part, for it was thought to be a bad thing that all the ablest boys should be drained away from the big cities to the two centres of Oxford and Cambridge. So did the vocational demands of the new industries based on science, for Oxford and Cambridge were slow to respond to the impact of scientific advance. So did a deliberate intention to free University life from the habits of religious and social exclusiveness which were current at Oxbridge until almost the end of the nineteenth century.

Consequently, from their very beginnings, the Redbrick Universities catered for those who had neither the means nor the inclination to enjoy the residential life of the colleges of Oxbridge. The majority of their students lived at home and, after attending day Grammar Schools, proceeded to a 'day' University.

Increasingly, however, Redbrick has recognised the value of a residential life for students and has adapted to its own needs and purposes the traditional residential life of Oxbridge; but it remains true that in those Redbrick Universities which are situated in large centres of population the great majority of the students live at home or in lodgings.

As a consequence of Oxbridge's return to its own earlier ideals and as a consequence of Redbrick's borrowings, in the matter of corporate residential life, from Oxbridge, the two kinds of University have in recent years become much more like each other. And it has also come about that the actual students who inhabit them are very much more like each other than was the case 20 years ago. It is still true, especially in the more traditional subjects of study, that Oxbridge attracts the academic cream of the Public Schools and Grammar Schools.

But it is also true, and increasingly so, that able boys and girls who wish to specialise in comparatively 'new' subjects like

engineering or agriculture deliberately choose the particular Redbrick University which specialises in these studies. And whether he goes to Oxbridge or to Redbrick the able boy will be eligible to receive financial assistance from public funds.

For we can now honestly claim that no able boy or girl is prevented from going to the University simply by reason of parental lack of money. There is a comprehensive system of scholarships, some awarded by the State and some by local education authorities, which guarantees that the parents' ability to pay University fees is supplemented up to the total cost of a University education.[1]

The details differ, but it can be firmly asserted that the parents' wealth or poverty is quite irrelevant to their children's enjoyment of the full educational opportunities which a University affords. Financially, the cost falls on rates or taxes, with a parental contribution according to means. The parents' contribution may be nil, if their income falls below a stated amount; or the parents may be required to pay the full cost, if their income exceeds another stated amount. Within these limits there are graduated payments from public funds. The result is that, whatever the parents' financial position, there is no financial obstacle to the deserving boy or girl.

The only criterion nowadays for admission to a University is the candidate's suitability for University studies. In practice this amounts very largely to academic suitability. There is fierce competition for the available places in all Universities, and academic standards are high and steadily rising. Other qualifications, of temperament and outside interests, are also taken into account. But with strictly academic competition as strong as it now is, it is not easy to give those other qualifications the weight which some think they ought to carry.

Naturally, there are some differences between the standards of admission as between different Universities and different subjects of study. But these are not very considerable; and it is certainly true that the Universities are much more similar in this respect

[1] Some changes in the system of awarding scholarships to the Universities are expected after 1962.

than they were when Oxbridge was automatically regarded as belonging to a different world from Redbrick.

Early in 1960 there were about 103,000 University students in this country, more than double the total before the second world war, and by 1965 the number will increase to 130,000. This great expansion is presenting many problems to the Universities, not least in the provision of buildings and of teachers of the required standard in the required numbers.

For the country as a whole the major problem is simply one of finance. Can the country afford a University population nearly three times as big as it was 20 years ago? That is the right way to formulate the question, for although there may continue to be a financial contribution from those parents who can afford to make it, the country is committed to the policy of guaranteeing a University education to all those boys and girls who are capable of profiting from it.

Many students, of course, earn money for themselves during their vacations. But we believe that a large part of the vacations should be spent in academic work and should not be regarded as holiday or as an interval which can properly be filled with gainful employment. So, in addition to anything which the students or their parents may provide, the country as a whole, through taxes and local rates, will have to foot the bill.

We are in no doubt that the bill will be a heavy one. But we are determined to meet it, because we firmly believe that any boy or girl who deserves to go to the University should not be prevented from doing so by lack of means. We believe also that this is a sensible way of using the country's money. There are very few better ways of investing money than in the brains of young men and women.

Freedom of Religion

BY THE RIGHT REV. J. W. C. WAND

Of all the Four Freedoms, that of religious worship is the most precious. It affects most deeply the springs of human nature. If a man is not free to worship God as he likes, other freedoms tend to lose their savour. So universally is this recognised that, paradoxical as it may seem, the right to such freedom has been most stoutly upheld by many who would have denied that they themselves had any need to worship at all. By the same token those who have wished to establish a tyranny have often made religious freedom the first point of their attack. They realised that if they could once enslave their subjects' minds the rest would the more easily follow.

Although this is the most fundamental of the Four Freedoms it was not the earliest to be acquired nor the easiest to maintain. In primitive times religion was too closely bound up with political and social life to allow of deviation. If success in hunting and fertility of crops depended directly upon the proper worship of the gods, then it seemed the duty of the rulers to see that everyone worshipped in the right way. A good deal of sophistication was required before the Roman Empire offered hospitality to most religions, even to those that carried a particular national flavour, like Judaism. Where there was no such background of exclusive nationality, the Roman Empire showed itself hospitable only to such religions as were prepared to find some place in their cult for the State religion, Caesar-worship. Since Christianity could not recognise such claims and since it could offer no excuse on the ground of national custom, it was outlawed; it became *religio illicita*, and suffered persecution.

It cannot be said that Christianity learnt from this experience the virtue of tolerance. When it became itself a State religion it persecuted those who differed from it. In the Middle Ages 'owing to the intimate connection between Church and State, Catholic and citizen were virtually synonymous terms, and the heretic was

thus considered a revolutionary endangering the foundations of society . . . the Renaissance, with its religious indifference, and the Reformation, by its revolt against the Papacy, established the conditions for the future development of the practice of toleration'.

However, at first the Protestant sects were for the most part no more tolerant than the medieval Papacy had been. Even when toleration was secured between the nations there was no necessary toleration within the individual nation. *Cujus regio ejus religio* was a Lutheran maxim which implied that the ruler could dictate the religion of his subjects.

The freedom of decision, which was inherent in the original teaching of Christianity, was slow in finding adequate expression. In practice the recognition of the right to choose and follow one's own religion was effectively conceded long before it found a place in legal enactment. It began to be explicitly stated in connection with new experiments in government.

This was true both in Britain and in America. In England the great Act of Toleration was passed in 1689, the year in which the new type of sovereignty was established under William and Mary. This Act did not repeal existing statutes on religion but exempted dissenters from their penalties and ordered that their meeting houses should be registered and protected by law. The relevant statutes (Test and Corporation Acts) thus became in effect obsolescent and ultimately died a natural death when they were repealed in 1828.

An important section of the population which did not benefit under the Act of Toleration was the Roman Catholic, but this exclusion was for political rather than for religious reasons. As the Throne became more secure greater leniency was shown until in 1829 the Catholic Emancipation Bill was passed and made legal, a situation that had long been recognised in fact, and in 1850 the full hierarchy was restored with full religious jurisdiction.

It could justly be said that in Britain toleration and democracy developed side by side: the more democratic was the Government the more earnestly it pursued the ideal of religious freedom, and the more such freedom grew the more truly democratic became the constitution. This connection is well seen in the history of the

nonconforming sects, for it was largely their struggle for a place in the sun that brought about toleration and it was the exercise of toleration that helped to secure for all and sundry a voice in the government of the country.

The result is that today in the triumph of democracy there is complete freedom of religion. Neither government nor any other institution presumes to dictate to the individual to what Church if any, he shall belong. It is true that in the schools religious instruction is given and an opportunity afforded for worship, but any child may be withdrawn from either or both at the expressed wish of parents or guardian. By the same token equal toleration is shown to all religions that are not subversive of government or public morals.

There are Hindu teachers in many places, and the Muslims have their mosque at Woking, and the Buddhists have been holding their mission.

In short, while religion as a whole is officially encouraged, no compulsion is exercised on behalf of any specific faith.

It is not forgotten that both in Scotland and in England there is an 'Established' church, each with its own distinctive confession and polity. The Church of England is sometimes described as a State church 'as by law established'. What does that mean? Some have gone so far as to suppose that the Church is both the creation and the instrument of the State. This is very far from being true. The term Established does not represent the Latin *constituta* (founded) but *stabilita* (strengthened or supported). The extent to which the Church has in fact been supported by the Law has varied from the 16th century, when an effort was made to compel people to attend its services under penalty of a fine for non-attendance, to the present-day, when the surviving connection between ecclesiastical and civil law is alleged to act as a brake upon the Church's progress.

In two particular respects the Church still serves as the instrument of the State.

First, it has the great privilege of crowning the Monarch.

Second, its ministers are recognised as the agents of the State in the celebration of marriages. In both instances, of course, the

Church performs specifically religious functions, but inasmuch as both are concerned also with civic rights and duties the minister serves as an officer of the State as well as of the Church.

The notion that the Church of England receives some financial benefit from its position as an established church is incorrect. It is true, of course, that some of her clergy are employed as chaplains in the military services and the hospitals, but so are the ministers of other churches; and the proportion between them is maintained as fairly as possible according to the size of the respective denominations.

It may be considered doubtful whether, if Britain were starting life all over again, it would find room in its constitution for an established church. But since the Church was there before the State and is so closely intertwined with the history and legal constitution of the country, there is little disposition at the moment to demand any change. It is indeed a singular testimonial to the practical effectiveness of religious equality that the question is now not seriously raised by other religious bodies who might be expected to show some spirit of rivalry.

It is more definitely raised by members of the Church themselves who think they would have greater freedom for their specific task if the trammels of the State connection were removed. It is suggested, for instance, that the appointment of bishops would be more efficient if the Church, rather than the Government, recommended names to the Sovereign. But that is very disputable. The authorities at 10 Downing Street maintain a far better clerical registry than the Church itself can do, and it is probably good to have a non-clerical judgment in such matters.

A more serious difficulty arises out of the authority Parliament can still exercise in liturgical concerns, as was shown when in 1927–28 it refused to accept a revised Book of Common Prayer.

Still it is generally agreed that the Establishment, though theoretically paradoxical, in practice works well. It is a good thing to have an official State recognition of religion. The presence of bishops in the House of Lords ensures that moral and spiritual issues will not be entirely neglected by the legislature. Perhaps it is even more important to have on every great occasion, whether

of need or of rejoicing, one representative religious body to take the lead. It prevents the embarrassment often experienced on such occasions by governments who have no one official church to deal with, and precludes the fear of raising the denominational bogy. It also ensures that religious provision is made for every individual citizen if he desires to use it.

Certain corollaries, of course, arise out of such a situation. The Established Church itself must not be too narrow, but must allow for a considerable variety of opinion among its members. This is necessary in order to maintain ease of contact with the groups outside. By this means a climate of opinion is fostered that is favourable to the growth of true religious equality. It is not that the individual is expected to regard all religions as having the same value; far from it. But the Government enactment of religious liberty is lifted out of the cold atmosphere of legal enforcement into the warm welcome bestowed on fellow-workers who are recognised as having the same aim in view although they may have a different method of striving to attain it.

And that is the best kind of religious freedom one can have.

Freedom of the Press

BY SIR LINTON ANDREWS

How free is the Press in Britain? Is its historic freedom abused to any large extent? Or does the British Press deserve to be described, as it has been so often described and still is, as a most faithful watchdog of the rights of the people?

Questions like these inevitably arise over a freedom that has become traditional. An author of Yorkshire blood who made his reputation in India, no less a person than Rudyard Kipling, gave us a timely reminder:

'*All we have of freedom—all we use or know—*
This our fathers bought for us, long and long ago.'

This is certainly true of the freedom of the Press. Censorship was relaxed in Britain after the Revolution of 1688 and abandoned in 1693. By the time of Junius, who wrote the famous letters in the *Public Advertiser* from 1769 to 1772, a leading thought of his was probably that of a multitude of intelligent men: 'Let it be impressed upon your minds, let it be instilled into your children, that the liberty of the Press is the palladium of all the civil, political and religious rights.'

But after many generations, when the glory of one generation has become routine in another, we are apt to take for granted, like the air we breathe, the rewards for the battles fought by our forefathers. Though we are great newspaper readers in Britain, it is rarely that we reflect upon the heroism, the sacrifices, the sufferings by which our forefathers established the rights now enjoyed by our newspaper proprietors and journalists. If the freedom of the Press is mentioned it is as often as not in a complaint that some newspaper has misused it.

That in itself is a tribute to this freedom long enjoyed, an implication that it ought to be regarded as a sacred trust. Sir Winston Churchill, in his *History of the English-Speaking Peoples*, referred to the freedom of the Press as one of the great

principles with a distinctively English character. There it was, ranked in an eloquent preface with Parliament, trial by jury and local government by local citizens. Much as we honour these institutions, they are never free from criticism. Parliament and local government live and thrive in the very atmosphere of altercation, both within and from without. There are critics who are far from certain that trial by jury always works as well as we think. So we need not be surprised, and we British journalists ought not to be incensed, if our professional freedom is from time to time called in question and re-examined.

Let us define our terms. The freedom of the Press means the right to print books, newspapers, pamphlets or any other printed matter without getting Government permission first. Ours is not a controlled Press. A newspaper is not told by the ruling authority what line to take about the Royal Family, the Government, Parliament, the local authority, Mr. Nehru, the Panchen Lama, Chou En-lai, Khrushchev or anybody else. An editor may say what he pleases on these and any other subject as long as he obeys the laws of the land, which include the laws of defamation, blasphemy, contempt of court, copyright and official secrets.

It is sometimes thought that journalists have special privileges that ordinary people do not possess. The idea has arisen perhaps from different meanings of the same word. Newspapers are allowed to print fair reports of public meetings, Parliamentary proceedings and proceedings in the law courts (with certain exceptions) without exposing themselves to the risk of damages for libel if they report defamatory statements used on those occasions.

The legal term for this protection is privilege. It does not mean that the journalist has some exceptional advantage for his own sake, a privilege in the common non-legal sense. The freedom of the Press is an aspect of the freedom of the subject, the freedom of everybody. Permission to report public meetings, law court proceedings and so forth is intended to benefit all. It arises out of a respect for truth and justice and the need of the community that on certain occasions people shall be able to speak and write with freedom unhampered by the slightest fear, real or imagined,

that they may be called to answer at some future date in an action for defamation because of what they have said.

Some of the politicians complain that the legal or technical meaning of the freedom of the Press is too narrow for controversy on the subject and that we ought to think of this freedom as including immense exploratory powers in public and private and immense opinion-forming powers. But all such arise from independence of Government control.

Long before Carlyle hailed every able editor as a ruler of the world, 'being a persuader of it', our elders had learned to take for granted the rich blessing of a free Press. It became a widely held belief that you had only to know the facts, utter them boldly, base on them a reasonable policy, and sooner or later fair-minded men would all give you their support. Some of our statesmen spoke of the moral self-possession of the electorate The underlying theory was that if people knew the truth they would decide rightly. In the light of this doctrine even a letter to *The Times*, if it were fair and factual, was expected to work wonders. Sometimes it did.

The Press was hailed as the Fourth Estate. Carlyle termed it the 'stupendous Fourth Estate'. But the long-established authorities could not repress their jealousy of this addition to the recognised powers of the land. Among the Lords Spiritual, the Lords Temporal and the Commons many bitter questions arose. Why should upstart journalists, mere scribblers of Grub Street, imagine they could understand public problems quite as well as politicians did? What right had they to contradict and reprimand their governors and superiors? Why should the reader be encouraged to pay more attention to the printed opinions of some scurrilous hack than to what a statesman said in a long speech which was, alas, not always fully reported, and, if it was, did not always grip the attention of the reader? Many politicians thought the Press must be put in its place and stamped on. Some politicians still think so.

Political rulers and other powerful interests are often tempted to let the public know only what they think it is good for the public to know. They may not wish to exercise an evil power over

thought, but they are prompted in the nature of things to suppress some facts and to colour others. Truth is still not to everyone all-powerful. Not every country has even the semblance of freedom. Propaganda did not die out entirely with the end of the second world war, and it remains as true as ever that eternal vigilance is the price of liberty.

So the watchdog of the Press still has plenty of barking and biting to do. I do not say that the dangers to be fought are all monstrous in their effect or that they all arise from evil design. Some of them arise from innocent misinformation and poor thinking. Men who are entrusted with the spending of great amounts of public money may develop a megalomania in its use in the hope of adding grandeur to their State or city. It is in checking undue secrecy and scandalous misuse of power and in the frankest examination of political problems that the freedom of the Press is most conspicuously vindicated.

But then the question arises: Granted that we need the watchdog of the Press, who is to watch the watchdog? How are we to prevent the freedom of the Press from being an empty phrase, a pretext for selfish and callous kinds of money-making? Where you have freedom you are almost certain to have some people abusing it. A free Press develops a powerful influence, and not all newspaper owners and journalists will act at all times from the noblest motives. There may be unscrupulous methods of news-getting, perhaps intrusion into the private life of innocent citizens. Private profit may be put before public spirit. Serious mistakes may be made in the rush of reporting.

Some of the checks on the British Press have already been mentioned, notably the laws of libel and contempt of court. Grave injury done unfairly to a man's reputation may be heavily punished. So may publication of news which, though true, might tend to prevent a man charged with an offence from receiving a fair trial.

Lesser offences can be brought before the Press Council. This quasi-judicial body cannot impose any penalty except reprimands issued in its Press communiqués and the Council's annual reports. Such reprimands are not taken lightly. No one in the

newspaper world likes to be pilloried for failing in the public spirit and decency which a journalist should possess.

The suggestion that the Press has too powerful, too authoritarian an influence over our thinking draws no support from the wide contrast of opinions expressed in editorial columns. The British Press does not dictate opinion, but persuades as best it can amid continuous and intense discussion. Controversialists fight it out in the arena of debate, spoken and written, before the gaze of millions. And, as the saying has it, in the multitude of counsellors there is safety.

My belief after a very long journalistic career is that on balance a free Press deserves its reputation as the Fourth Estate, and is of incalculable benefit to the people. It has its blemishes and blunders, but for any mistake it makes it gets a thousand things right, and its dominating characteristic is public spirit.

Development of Social Security

BY SIR GEOFFREY KING

The social security system of the United Kingdom was no sudden creation. It is the outcome of many years of experiment and gradual growth, and it is constantly being improved. As long ago as 1600, steps were taken to set up a comprehensive scheme providing for the support of those who could not support themselves owing to illness, unemployment or old age. Aid was to be given under a Poor Law system providing relief for the destitute, but a person had to look to his family for support before asking the community for help. If, by modern standards, the administration of the Poor Law, at any rate in its early years, was harsh and inefficient, it must be remembered that in this it reflected the general standards of the times. Little was known of the art and science of administration and in its absence it was impossible to enforce efficiency or even honesty in any of the public services.

The movement away from the Poor Law towards a system giving benefits as of right which did not involve inquiries into an applicant's means or throw the burden on the family, started shortly before the beginning of the present century.

In 1897, a scheme of Workmen's Compensation was introduced which gave workmen a legal right to compensation, enforceable in the courts, for loss of earning power resulting from an injury sustained while at work. The liability to pay compensation was placed on the employer, and the State took very little part in the day-to-day administration. The idea that the State should undertake direct responsibilities of this kind to individual citizens was still a thing of the future.

A great step forward was taken in 1911, for, in that year, the idea of building social security on the foundation of national insurance was accepted after prolonged and often bitter debate. National insurance proceeds on the basis that contributions are paid week by week into a central fund in respect of people who are working, and that benefits are paid out of the fund to the man

who is sick, unemployed or too old to work. The contributions are paid by the man himself, his employer and by the State.

In Britain it started with a scheme of health insurance covering about 10,000,000 and providing both medical treatment and cash benefits, and a more modest scheme of unemployment insurance for selected industries employing about 2,250,000 workers. The health insurance scheme was looked upon as an extension of the work of the Friendly and Benefit Societies which, for many years, had been providing sick pay for their members and the administration was left in their hands. Unemployment insurance was directly administered by a central department from the outset.

The administration was linked to the administration of the labour exchanges which had been set up to facilitate the efforts of unemployed workmen to re-enter employment. The use of local labour exchanges (now employment exchanges) for the purpose of day-to-day administration of unemployment insurance was an important move. It set the course for the direct administration of social security measures by the State and laid the foundations of the system of local offices—there are now over 900—through which the National Insurance Acts are now administered.

The scope of unemployment insurance was gradually extended. In 1920, it was enlarged to cover about two-thirds of the total working population. In 1936, agricultural workers were included and at the present time everyone working for an employer, about 21,500,000 in all, are insured against unemployment irrespective of the amount of their salary or wages. The number of people insured against sickness is rather larger, as the present scheme also includes some 1,500,000 people working on their own account.

Special provision for old age started in 1908 with the old age pensions for people over 70, but these were based on a test of means and were paid for out of general taxation. The principle of insurance was extended to old age and widows' pensions in 1925 when pensions based on contributions were given to old people and their widows at 65. In 1940, the pension age for women was reduced to 60 to enable two pensions to be given to the man and his wife when the man gave up work as it had been found that

wives tended to be younger than their husbands. Today, practically the whole population is covered by the contributory pension scheme.

In the middle of the second world war a committee, presided over by Sir William Beveridge as he then was, was set up to review all the social security arrangements and, following his famous report, they were completely remodelled. The main changes introduced in 1946 were the extension of the scope of national insurance to include the whole adult population, with different benefits suited to their different needs, and the all-round improvement of benefits and pensions payable under the old schemes. As far as possible, rates of benefit and pensions and the conditions under which they are payable were brought into line, and a new system of widows' pensions, extended maternity benefits and a new benefit payable on death were introduced. Workmen's compensation was replaced by a scheme of national insurance covering the whole employed population. It provided benefits based on the degree of disability resulting from an injury instead of on the loss of earning power. Family allowances payable out of general taxation without a means test to all families with more than one child were also introduced at the same time.

The administration of all these schemes of cash benefits was placed under a new Ministry set up for the purpose. Medical treatment, which had been a feature of the old health insurance, was in future to be provided by the new Health Service. All the cash benefits are payable as a matter of legal right to anyone who fulfils the prescribed conditions. And, to safeguard the rights of the public, special tribunals are provided consisting of representatives of employers and workmen presided over by a lawyer, with an appeal to a special commissioner who is a lawyer and with a status comparable to that of a judge.

About the same time, the responsibility for the relief of those who do not qualify for benefit or who, because of special needs, must have their benefits supplemented was transferred from the Poor Law authorities to a central board known as the National Assistance Board. This board was the successor to one set up in 1934 to deal with the unemployed, and its functions have gradually

been extended until it is now responsible for giving help and cash wherever the need exists. It administers a system of relief based on need and the rigours of the old Poor Law destitution test and the liability of the family have long since been swept away. Tributes have been paid from all sides to the efficiency and humanity with which the Board carries out its duties.

Now that all the various schemes have been co-ordinated and brought up to date they provide a system under which everyone who through sickness, injury, unemployment or old age is unable to support himself, his wife and children, is assured of a regular weekly income based on standards approved by Parliament. The whole system is kept under constant review. Rates of benefit, pensions and assistance are increased when necessary; and the conditions under which they are payable are altered from time to time to make them better fitted to meet the needs of the public.

Recently an important step forward was taken when Parliament approved a scheme for a completely new type of retirement pension, based on graduated contributions related to earnings, which will provide graduated pensions for wage earners whose earnings exceed a specified amount. These new pensions will be paid on top of the existing retirement pension. This is, in principle, a flat rate payment in return for flat rate contributions, and will therefore constitute a valuable addition to the provision against retirement provided by the national social security system for the higher wage earner.

Looking after the Nation's Health

BY LORD COHEN OF BIRKENHEAD

'It is doubtful whether any political measure has ever brought so much relief and hope to those who needed it as the Act which came into operation in July 1948.' So, after referring to certain imperfections, wrote the President of the British Medical Association in August 1959, about the National Health Service. That was eleven years after its inception. It is a judgment from which few would dissent. The National Health Service is now a permanent feature of the British way of life, accepted and approved in principle by all political parties.

The National Health Service Act, 1946, lays on the Minister of Health the responsibility to provide for every resident in England and Wales (there are similar Acts for Scotland and Northern Ireland) irrespective of means, age, sex or occupation 'a comprehensive health service designed to secure improvement in the physical and mental health of the people and the prevention, diagnosis and treatment of illness . . .'.

The services to be provided included all forms of hospital and medical treatment, nursing, X-ray and pathological services, advisory and preventive services, free of direct charge, and also the provision of drugs, dental treatment and dentures, spectacles and some appliances for which a partial charge is now made. The Act vested the ownership of all hospitals in the Minister of Health, except for a few which were specifically disclaimed, and provided for clinical teaching facilities for the training of doctors and nurses and also for research.

The provisions of the Act were designed to make the maximum use of existing facilities and experience and to avoid unnecessary disturbance of those established services which were working satisfactorily. It sought to integrate, up-grade, adapt, and extend existing health services and place them under one overall authority, namely the Minister of Health, who would discharge his

responsibilities through various agencies. There was to be no compulsion either for patients or for doctors or other professional staff to take part in the service. Each patient was to have a free choice of doctor, and doctors, too, were to have the right to choose their own patients.

Doctors were also to be allowed to have private patients as well as Health Service patients, and private beds were to be available in hospitals. The service could be used at the patient's discretion in whole or in part.

For the purposes of administration the Health Service is organised in three main parts: 1. The hospital and specialist service. 2. The local authority services. 3. The family practitioner services (medical, dental, pharmaceutical and ophthalmic). Each of these three parts needed a special administrative framework, and arrangements had to be worked out to ensure co-operation between them.

The hospital services in England and Wales are organised under 15 regional hospital boards (teaching hospitals have their own boards of governors). Regions vary in size, covering the needs of between 1,500,000 and 4,000,000 people. Hospitals are grouped under hospital management committees which are responsible for their more detailed administration under the general supervision of the regional boards. The hospital resources in each region are so planned that they may broadly provide any service any day for any patient. Consultants and specialists in all specialities are now available to hospitals in all areas and can also be asked to visit a patient in his own home when the family doctor considers this necessary. In each region there is a blood transfusion centre which maintains regional and area blood banks. Hospital X-ray pathological services are also made available to general practitioners for the benefit of their patients.

Local health authorities, that is to say the councils of cities, large towns and counties, are responsible for community and preventive health services, for maternity and child welfare, for the provision of midwives, for health visitors and home nurses, and for domestic helps, for ambulance services and the provision of certain after-care and convalescent facilities. For mental patients

they provide training centres, social centres, hostels and residential homes and visiting services.

The general family practitioner services, including the general medical (family doctor) and dental services, the pharmaceutical and supplementary ophthalmic services, are administered by executive councils appointed by the Minister after consultation with various interested lay and professional bodies. The practitioners, who are in contract with the executive councils to render services under the Act, are not salaried.

A family doctor may have up to 3,500 patients (the average is 2,267) and receives an annual capitation fee for each patient on his list whether he is called to attend him or not. He is allowed private practice and may hold other appointments, provided that overall he takes on no more patients than he can properly look after.

It is generally agreed that the relationship of patient and doctor has in no way deteriorated as a result of the changes brought about by the Act, and it is perhaps pertinent to observe that 97 per cent of the population have their names on doctors' lists and take advantage of the service.

The members of hospital boards, hospital management committees, executive councils and of the health committees of local authorities, give their services free, and on all these bodies professional representation is provided for.

In administering the service, the Minister has his permanent staff of civil servants, both lay and medical. But the Act provides that he should be advised also, on general matters relating to to health services, by a Central Health Services Council. Its members, of whom doctors are in the majority, have all given distinguished service in various fields concerned with the health of the people. None of the recommendations of this council has been over-ridden by the Minister. In addition there are Standing Advisory Committees which give advice on special services.

From time to time special committees are appointed to advise on such matters as poliomyelitis, staphylococcal infections in hospitals, the care of the epileptic and the welfare of children in hospital. The council and its Standing Committees not only give

advice in response to requests from the Minister, but initiate proposals. Their advice, published in an annual report, is placed before Parliament so that the public may know how the advice which is given has been acted upon.

Naturally there were difficulties in carrying out all that the Act intended, and some major problems had to be solved.

First, there was the shortage of necessary facilities and of trained manpower, especially in the hospital and consultant services. Secondly, there was an unsatisfactory distribution of consultants and family doctors, both geographically and functionally in the country. Thirdly, the destruction and dilapidation resulting from World War II had to be made good and hospital building resumed as soon as limited labour, materials and priorities permitted. Fourthly, there was the problem of financing the service during a period of rising prices and costs.

The maldistribution of consultants, specialists and doctors was tackled first. There has been an overall increase of about one-third in the number of consultants who are appointed by the regional hospital boards, and whose services are now available to all hospitals in the country. Similarly, the number of general practitioners in the service has increased by nearly one-fifth, and their distribution in the country has been improved as a result of the work of the Medical Practices Committee, a body consisting of general practitioners, which keeps this question under continuous review. New entrants may not set up practice in areas where, in the Committee's view, the number of doctors is already adequate. The percentage of patients in areas with too few doctors has fallen since 1952 from just over one-half to less than one-fifth. Additional rewards and allowances are offered to doctors prepared to practise either in less popular or in rural districts.

A programme of new hospital construction has been under way since 1955. During the first ten years of the service £105,000,000 was spent mainly on making good war damage, compensating for deficiencies and raising the standards of existing hospitals. Even so, 31,000 new beds were provided. In 1960–61, £25,500,000 was due to be spent, and the long-term programme includes about 180 major construction schemes, including 35 new hospitals; in

1961–62 annual expenditure was due to rise to £31,000,000 and is expected to grow thereafter.

The Health Service is now the second largest undertaking in Britain, next to the Armed Forces. The total expenditure on the service in England and Wales rose from £400,000,000 in 1949–50 to more than £700,000,000 in 1959–60. Seventy per cent of the rise was due to the general increase in prices and improvements in remuneration, and the rest represented increased expenditure on the service itself.

Most of this cost is covered by general taxation—the National Exchequer; the cost of the local health services is paid out of local taxation (rates), about half being met from a general Government grant; in recent years, small charges for prescriptions, spectacles, dentures and other appliances have been introduced. There is a small weekly National Health Service contribution paid by all of working age. It was estimated that in 1959–60 this would yield £100,000,000 towards the cost of the National Health Service, say about one-seventh of its total cost. But eligibility for treatment under the National Health Service does not depend in any way on the payment of contributions.

This, briefly, is the structure and range of the National Health Service in England and Wales. In essence it is unlikely to be significantly modified, though there may be changes in the details of its administration, and there will certainly be increasing stress on community care—especially in the field of mental health—on preventive measures, and on health education and research.

Many earlier fears and anxieties about the working of the Act have proved groundless, and the view is today almost universal that it has made a major contribution to the health of the people, which, as Disraeli, then Prime Minister of the United Kingdom, asserted 80 years ago, 'is really the foundation upon which all their happiness and all their power as a State depends'.

Trade Unions: the Managements' Side

BY I. ERNEST JONES

Democracy can succeed only where, in an atmosphere of freedom, most members of the active-minded community are not only well-informed but sufficiently intelligent to be able to weigh the merits of the information freely available to them. Where that happens there is little scope for the twin-evils of mob-law and tyranny.

Leadership in a democracy therefore requires, on the one hand, a logical though flexible approach to policy and principles; and, on the other hand, really efficient methods of communication (two-way) between the leaders and the community they represent.

In Britain, although such methods often lead to hot controversy, sometimes really unnecessary, the essential conditions for successful democracy are in general fulfilled.

In the particular field of industrial relations the technique differs somewhat from that appropriate to political questions. To those concerned the main issues are plain and practical; they are often not so clear to other people. Again, the passing of resolutions at conferences, whether of employers or of workers, counts for little unless it is followed either by drastic action (which is always liable to misfire) or by convincing argument in joint negotiations.

To employers the most important aim is normally, by all reasonable means, to avoid interruptions of work and secure good production. Expenditure on welfare, for instance, can be regarded as contributing to achievement of that aim.

Similarly most workers are less concerned about political theories than about good wages and a satisfactory working environment. Their aspirations, in a democratic country, find expression in trade unionism. In their earlier stages trade unions depended chiefly on the strike-weapon; as they progressed they found negotiation the better course.

In Britain the struggles for recognition of trade unions, togeth with those for better conditions of employment, were still insiste up to the early 1930s. Since then, the unions, now comprisi two-fifths of the working population, have come to be general recognised, by Government and employers alike, even in spher far beyond their original functions. Moreover, the grievances workers have, during the same period, become fewer and muc less acute.

There are still disputes but, more often than not, these ari either from irresponsible trouble-making at local level or fro inter-union differences about demarcation of work. Until fair recently there seemed to be a danger that trade union leadersh might founder simply because its historic aims were alreac largely achieved, and because vitality seemed to have been usurpe by rank-and-file elements whose objects were, in essenc destructive.

Now there are signs that the responsible leadership, in the fa of new technical advances, may be finding new objectives—r longer negative in character, but clearly related to the long-ter interests of their members and also capable of being supported b their membership with understanding and even with fres enthusiasm.

Meantime a different spirit gradually emerged in the gener attitude of British employers. Quite apart from their reactions t trade union pressure before and during World War II, and th economic adjustments found necessary in the post-war period ('full employment', most employers, and especially the larger one have genuinely absorbed more modern conceptions of efficienc in management and high standards of training. There are sti some anti-union employers, especially in industries where unio officials have tended to be vindictive, but the majority are friendl And they have also been learning from experience in changin conditions. Indeed, it is now commonly held that economy come from competition in efficiency rather than from the cutting (wage-rates.

It has been my lot to take an active part in each phase of thes gradual developments—both as the employers' official responsibl

for industrial relations in the building industry, which, in Britain, employs over 1,000,000 men, and also as the industry's representative on the Government's National Joint Advisory Council.

Nearly 40 years ago I found myself in an atmosphere of strong antagonism between employers and trade unions. Strikes and lockouts were then widespread and frequent. My industry was fortunate in having an elder statesman, Mr. A. G. White, who not only conceived suitable machinery for joint negotiation, conciliation and prevention of disputes, but also secured some support for his conception from leaders of the building trades unions—notably Mr. (now Sir Richard) Coppock, always a formidable fighter for the interests of the workers.

In the midst of the struggles associated with periods of booms and slumps, we co-operated in fostering the growth and influence of our National Joint Council and in developing efficient regional and local joint machinery—at first on matters of wages, hours and similar working conditions; later, on such wider subjects as productivity, apprenticeship, schemes for paid holidays and a system of guarantees in respect of time lost through bad weather.

Meantime many local disputes were settled amicably, and the resulting frank discussions undoubtedly played a substantial part in attaining not only peace in our industry but also a joint, and objective, approach to its long-term problems.

The attitudes of both management and trade unions were sorely tested by war-time conditions and, since the war, because wage-stability was constantly undermined. In a situation of overfull employment the impulse of the trade union movement was to wield its power to demand high wages, even when the consequent inflation would reduce their value. The response of management depended, in each case, upon its sense of responsibility to the consumers of its products and, at times of financial stringency, to the interests of the nation as a whole.

Another source of disturbance has been the revival of 'demarcation disputes' between unions, which urge conflicting claims to exclusive rights to perform particular operations—a problem of peculiar difficulty. In the building industry, while

these conditions have sometimes put a severe strain on the leadership, the joint machinery has nevertheless contrived to keep the ship afloat. At the same time, the consequent need for bold steps to cope with changing situations has probably had healthy effects on the organisations on both sides.

It is indeed worthy of note that the problems of 'new techniques' in the building industry have been frankly discussed between the organisations of employers and workers. Moreover, the 19 trade unions affiliated to the National Federation of Building Trades Operatives have met in London to examine all the implications, which may involve in certain cases amalgamation of some unions and, in other cases, an adjustment of responsibilities between craft unions and the general unions covering labourers and semi-skilled grades.

One result of this investigation should be a reduction in the number of 'demarcation' disputes. In a totalitarian country the prolonged holding-up of work for such artificial reasons would not, of course, be tolerated. It will be of great significance if these difficulties can be completely overcome by democratic means.

Not all industries in Britain have been so fortunate as the building industry. The demarcation disputes in the shipbuilding industry, for instance, have been far more serious. Nevertheless most industries have attained a fair measure of similar success. Of course, with favourable experience of the advantages of co-operation, it is easy to advocate goodwill as the only sure foundation for satisfactory industrial relations.

But I realise that the really hard task was, and for many still is, to make a start with some form of regular relationship in which toleration and forbearance—even though still accompanied by some suspicion—can find a chance to develop into the positive goodwill which leads to further progress. Once the plunge is taken the mutual suspicions between employers and workers naturally diminish. All parties may then find that, in actual practice, their trust is not misplaced. Once a modicum of mutual toleration is established, the legalistic aspects become secondary.

With goodwill even a badly worded code of working rules can be useful, and joint interpretations can even be a source of

strength; in its absence a perfectly logical set of regulations will not work.

In recent years in Britain much attention has been paid to education and training, not only of craftsmen but also of foremen and managers. A new venture has been the activity of trade unions in educating their membership in the problems of management. Much attention has also been given, on all sides, to the consequences of the introduction of new techniques and, in the extreme form, to 'automation'.

In all these matters the Government, though interested, has avoided direct intervention but has wisely chosen to render indirect guidance, chiefly through its National Joint Advisory Council. This consists of representatives of the British Employers' Confederation, the Trades Union Congress and the nationalised industries. Guidance by that council has covered not only the general question of human relations in industry, but also training for skill and, quite recently, restrictive practices and the efficient use of manpower.

While the movement towards an intelligent joint approach to present-day problems has been gaining momentum among the national organisations and their established branches, diverse opinions are held and expressed about 'joint consultations' at the level of the factory or site. There are of course many successful works committees where management and workers' representatives regularly confer on day-to-day problems.

There have also been circumstances where irresponsible individuals acting as shop stewards have abused the system, causing serious dislocation of the work-programme, sometimes in clear defiance of their own trade unions. Occasionally the employers concerned have reacted rather violently and the position became worse before normal relations could be restored.

Such cases, viewed in perspective, should not necessarily condemn the system—especially where the bulk of the workers are ready to respond to efforts by management to keep them well-informed.

The value of any such machinery depends on the attitude of mind of all concerned. If the management is willing to treat its

workers as an intelligent and responsible working force, the workers also, through their representatives, should be ready to make real and prompt contributions to the solution of common problems.

Both management and workers must firmly believe that the success of the enterprise depends upon their joint endeavours. Where that relationship is once established, even the efforts of trouble-makers can fail to shake it.

Necessarily, there are some important limitations of the scope of joint consultation at the factory or on the site. Clearly it must not entail consideration of departure from the wage-rates and working rules agreed by collective bargaining between the unions and the employers' organisations. The agenda and times of meeting should be definite, so that there may be no tendency to waste valuable time on sterile debates. Above all, it must be accepted that ultimate responsibility rests with Management.

To sum up, there is evidence that in Britain the democratic basis of industrial relations has contributed to a re-appraisal of the functions of trade unions and employers' federations and to the value of joint consultation at all levels. The consequent resolving of doubts and mutual friction gives grounds for hopes of a new, and more healthy, relationship between employers and their workers. May one also express a hope that the experience gained may be found useful by our friends in other countries who may be called upon to deal with similar problems.

Trade Unions: the Workers' Side

BY VICTOR FEATHER

There have been trade unions in Britain for over 200 years. Many of those which exist today can trace their development back over that period, although, as you would expect, they are very different now from what they were in the early days. Their size, their rules, their scope, their methods—all have altered as economic and social changes have taken place. In short, although the unions are old-established, they are very much up to date.

The Trades Union Congress, which is the central authority of Britain's trade union movement, is itself over 90 years old. From its humble but hopeful beginning in 1868 it is today an organisation with 185 affiliated unions, which is an affiliated membership of 8,500,000. These unions cover all industries and occupations: manual and non-manual, private and public employment, civil servants as well as miners.

Each of these unions is self-governing. Whether it has a hundred members or more than a million, its policy and decisions are made by its own membership, and not from outside. The T.U.C. itself has no over-riding authority over any union. It cannot be said to have power in the usual sense of the word. On the other hand, what it lacks in formal authority (and there is no desire on anyone's part to make its authority formal) is more than made up for by the weight of its influence and prestige. The T.U.C. has the right, and exercises it, to recommend a course of action to its affiliated unions; it cannot, and does not seek to, instruct them on any point.

The result is that, over these many years, a relationship has developed which has led the unions to regard the recommendations of the T.U.C. as binding. It is true to say that self-discipline and the voluntary acceptance of democratic decisions has reached a high point in trade unionism in Britain, and in this and many other ways trade unionism reflects the character of British people generally. Trade unions are organisations of the workers and

therefore are bound to reflect the changing attitudes of working people.

Some of the unions have now grown to an enormous size. The Transport and General Workers' Union, for example, has over 1,250,000 members. The Amalgamated Engineering Union is nearing the million mark. The National Union of General and Municipal Workers is similarly placed.

The growth of these unions from the original small self-contained local union has taken many scores of years. Their membership has increased as industry has developed, and also as the unions have been able to show that trade unionism not only benefits the worker materially, but also raises his social and cultural level.

The grouping of small local unions by voluntary amalgamation created problems as well as securing advantages. The democratic methods and control of the small local union has had to be projected into these mammoth unions. Otherwise trade unionism would have ceased to be a source of social betterment and would have become a 'big business'.

Indeed, unless democratic control had been assured in the big amalgamated unions as much as in the small local organisations, amalgamations would have been resisted and progress would have been slower.

The final result, therefore, is that in every union in Britain, every member has equal rights, and the opportunity to exercise them through well-understood procedures at the local branch, the district and regional committees, and the national conference of branch delegates which is the supreme authority and policy-maker of each union. The desire of the leadership for the members to participate in union work is reflected in the constant drive taking place against apathy, which is sometimes a reflection of satisfaction on the part of the members with the work of leadership—a method of appreciation not liked by the leaders and active members themselves. Some unions organise special classes and correspondence courses about their structure so that members will fully understand union procedures and how to work in the union to everybody's advantage.

Long before working men were ever elected to local authorities or to Parliament, the practice of democratic procedure was being followed in the unions. Trade unionism was indeed a school for democracy. There have been thousands upon thousands of local councillors and aldermen, public representatives and Members of Parliament whose first introduction to democratic processes was at their trade union branch; millions upon millions of people of Britain have learned of democratic methods through their membership of a union.

But democracy, of course, is not just a system of voting at meetings. That is only one aspect of it. It is not just a set of rules, or procedure in debate, conforming to standing orders at a conference, or even the method of electing a government of a country, or a state. It is these democratic procedures, of course, which lead to full democracy.

Democracy is behaviour, an atmosphere, an intangible something, difficult to describe but readily discernible. Democracy reflects itself in the spirit of the people even more readily than it does in the law, or in legal definition. Men and women in a democracy can and do make a stand for their right to express a minority view and yet earn the sympathy of large numbers who may oppose their views. Democracy reflects itself in 'fair play', the expectation of honest dealing, the right of men and women to speak freely, and to associate themselves as groups with other groups for mutual advantage.

The democracy of the State has nourished, and itself has been fed by, the democratic practices and behaviour of trade unionism. In British industry, democratic process is the basis of collective bargaining.

In the same way that workmen become members of unions, so employers voluntarily join their associations. Representations made by unions collectively on behalf of workpeople for improvements in their wages and working conditions are on the basis of decisions made by the workers themselves.

The atmosphere in which those representations are made and discussed with the employers' representatives is much more informal than formal. There will be a spokesman for each side, to

open the discussion, but after that the discussion lacks all formality. Often enough there is not even a chairman of the negotiation meeting. It is assumed that every member, union or employer representative, can be relied upon to act as his own controller.

The settlement which is reached, often after long and persistent argument, embodying very frank speaking, is an agreement between the unions and the employers. Neither the Government nor the law is involved. That is to say, the agreement is not a legal document, and makes no attempt to embody legal jargon; there is never any question later of trying to read something into the agreement which the other party did not intend. Although the agreement is worded in everyday terms, it is not a carelessly written document. The object of both sides is to put the terms of the settlement into language which everybody can readily understand.

What are the results of these methods in trade unionism and industry in Britain? They are many.

Trade unionists in Britain are conscious of their power and influence. They are also conscious of their responsibilities. Their approach to industry's problems is a practical one. Industry is the source of the workers' livelihood, and there is therefore an intelligent assessment of the weight of wages in final costs, as well as a lively interest in other factors, such as profits. There is understanding of the impact of prices on export manufacture.

As a consequence, the T.U.C. and the unions are associated with managements and the Government in efforts to increase efficiency and productivity, to encourage training and foster apprenticeships in the new industrial skills. Trade unions are associated with industrial research set up so that our industries may keep up with the times and, indeed, lead in scientific development if possible; and one finds trade union representatives on technical education committees.

In the field of industrial health, safety and welfare, the unions play an active part, devising, encouraging and requiring better methods to safeguard the health of workpeople. Accident prevention is an important aspect of mine and factory life, and the unions are busy in this field.

There are, in fact, very few employers these days who would try to claim that these things are matters solely for management decision. The principle of joint consultation in the factory or the works through works committees or other bodies, has expanded greatly in the past 20 years, although the pattern and the practice were in operation years before. The system of trade union shop representatives to take up individual and group grievances with the management has been so long established that one almost thinks of it as having always been in operation.

The British trade union movement did not get its present status 'on a plate'. It had to be won. The path of its long history, in fact, has, in its early years, its records of imprisonments and deportations. In the light of present-day industrial relationships, it seems incredible that such things happened, or that wide-scale victimisations took place and that at one time men were refused work or dismissed at a moment's notice for daring to hold a trade union card.

Trade union interest in management problems is invited by the managements today, sometimes to an extent which is almost embarrassing. There is hardly a works where trade unionism is not recognised, or which does not follow the wages agreements made as a result of collective bargaining. Britain's industrial relations procedures sometimes astonish overseas observers because of their wide range, their informality, and the strictly independent, yet co-operative attitudes of the unions and the employers' associations.

It is because of this general atmosphere arising from democratic behaviour that such a high level of industrial peace has been achieved. It is, of course, true that strikes do take place. But the volume of production lost as a result of strikes, authorised by the unions and unauthorised, is infinitesimal. In 1958, for example, it was one hour's production per man per year—a loss of only 72 seconds a week. At least 80 times that amount is lost because of sickness, at least five times as much because of industrial accidents.

Industrial peace is not necessarily a yardstick of democratic practice, but it has a significance, and particularly so in Britain,

where men and women are quick to challenge any encroachments against the rights they have won over the centuries.

Trade unions have played a great part in fashioning the democratic way of life in Britain. Democracy everywhere will find no greater bulwark than the trade unionism which grows in Britain.

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